

MAR 12 2008

Appl. No. 10/806,555
Docket No. 9586L
Amendment dated 03/11/2008
Reply to Office Action mailed 12/11/2007
Customer No. 27752

REMARKS

Claims 1-8 are now under consideration. Claims 1, 5, and 8 have been amended with this paper, and Applicants respectfully request that the Examiner consider the amendments and following remarks and allow this application.

Rejections Under 35 USC 103

Claims 1-8 were rejected under 35 USC 103(a) as being unpatentable over Scharschmidt et al in view of Martinez-Bustos et al. While not acceding to the Examiner's grounds of rejection of claims 1-8, independent claims 1, 5, and 8 have been amended to further define the starch. Specifically, a starch selected from the group consisting of corn starch, wheat starch, rice starch, waxy corn starch, oat starch, cassava starch, waxy barley starch, waxy rice starch, glutenous rice starch, sweet rice starch, potato starch, tapioca starch, sago starch, high amylose starch, or mixtures of any thereof, is now recited. Support is found on pages 6-7 of the application as filed. It is submitted that these amendments to the claims overcome the rejections of record.

The Examiner notes that Scharschmidt discloses uses soy flour, and in particular Scharschmidt discloses that the soy flour provides an additional function in the process disclosed. The Action goes on to state that since Scharschmidt discloses soy flour from soy, then Scharschmidt discloses starch as claimed. Therefore, and again while not acceding to the grounds of rejection, Applicants have amended independent claims 1, 5, and 8 to more fully distinguish over Scharschmidt.

Because none of the references of record teaches or suggests all of the limitations of independent claims 1, 5, and 8, rejection of these claims should be withdrawn.

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Final Office Action but are simply provided to overcome the rejections made in the Final Office Action in the most expedient fashion.

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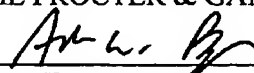
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In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicants' undersigned representative.

Respectfully submitted,

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